U.S. DISTRICT COURT EASTERN DISTRICT OF L'A

2006 JUN -8 PM 2: 13

LORETTA G. WHYTE

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

COLLEEN BERTHELOT, ET AL.	§	CIVIL ACTION NO.: 05-4182
	§	
VERSUS	§	SECTION "K"
	§	
BOH BROS. CONSTRUCTION CO., L.L.C.,	§	
ET AL.	§	MAGISTRATE (2)
	§	CONS. KATRINA CANAL
	§	
THIS DOCUMENT RELATES TO:	§	
	§	
ALL CASES	§	
	§	
	§	
O D D	T D	

Considering the request of counsel for plaintiffs and certain defendants on June 2, 2006 that the five sheet piles (hereafter "the evidence") removed from the Industrial Canal North Breach site near Florida Avenue, now located at or near the intersection of Jourdan Avenue near Galvez Street should be preserved in their entirety for further study; THAT THORE IS NO OBTECTION SO THAT NO HORRING IS RECUIROO,

And further considering that counsel for plaintiffs and defendants have retained the services of Joe Landwerlin to transport the evidence from the site, and have further retained the services of Kearney Companies to store the evidence in a secure warehouse located at 1930 Japonica Street, New Orleans, Louisiana;

IT IS ORDERED, that the Order set forth in the June 2, 2006 Minute Entry of the Fee. Magistrate Judge (Record Document 481) be and is hereby modified as follows: Process____ CtRmDep____ Doc. No.

IT IS FURTHER ORDERED, that said evidence shall be transported on or before 5:00 p.m. on June 9, 2006 by the transporter retained by the parties as set forth above to the Kearney Companies secure warehouse at 1930 Japonica Street, and that the cost of said transportation and storage shall be borne equally by the plaintiffs and defendants;

IT IS FURTHER ORDERED, that once delivered to the secure storage facility, the evidence shall remain stored in that facility and shall not be removed for any reason except upon Order of the Court;

facility in order to view, observe, photograph, or otherwise examine the evidence at the secure location in any non-destructive manner upon written request to Joseph M. Bruno, Liaison Counsel for Plaintiffs' Preliminary Master Committee, and William Treeby, Liaison Counsel for Contractor Defendants, said request being delivered to Mr. Bruno and Mr. Treeby no less than twenty four hours in advance of the desired access;

IT IS FURTHER ORDERED, that no examination or testing that would or might result in the destruction of all or any part of the evidence shall be conducted by any person without the consent of all parties, or in the absence thereof, without Order of the Court after a motion and contradictory hearing regarding same.

United States District Magistrate Judge

CC! JUDGE BUVAL